

REMARKS

Claims 1-14, 18-20, and 22-26 are pending in the present application. In the Final Office Action mailed February 12, 2007, the Examiner rejected claims 1-10, 20, and 23-26 under 35 U.S.C. §102(b) as being anticipated by Eilenberg et al. (USP 5,414,358). The Examiner next rejected claims 11-14, 18, 19, and 22 under 35 U.S.C. §103(a) as being unpatentable over Eilenberg et al.

Applicant has amended claims 1 and 26 to patentably distinguish them from the art of record. Claim 1 calls for, in part, a probe for improved homogeneity in magnetic resonance (MR) imaging including an RF coil for receiving MR data, a collapsible housing enclosing the RF coil and constructed for insertion into a subject to be imaged, a hollow shaft extending from the collapsible housing and protruding out from the subject, and a retainer connected to the hollow shaft and positioned in proximity to the housing that secures the RF coil within the subject to be imaged. Claim 26 calls for, in part, a kit for an MR imaging device including a flexible housing configured to contain an RF coil therein and to be inserted within an imaging subject, and a retainer positioned external to and in contact with the imaging subject to secure the RF coil within the subject to be imaged.

Eilenberg et al. fails to teach or disclose a hollow shaft extending from a collapsible housing and protruding out from a subject or a retainer connected to the hollow shaft and positioned in proximity to the housing that secures the RF coil within the subject to be imaged. Furthermore, Eilenberg et al. fails to teach or disclose that the retainer is positioned external to a subject to be imaged. The Examiner has previously argued that bag 10 disclosed in Eilenberg et al. that is filled with fat saturation enhancing material and positioned within a body cavity of a subject “constitutes a retainer that secures the MR coil within the subject to be imaged.” *Office Action*, February 12, 2007, p. 3. While Applicant does not necessarily agree with this assertion, even if the bag 10 disclosed in Eilenberg et al. is a “retainer” as the Examiner states, the bag 10 is not positioned in proximity to an additional housing containing homogeneity enhancing material therein as called for in claim 1. That is, there is no separate “retainer” taught or disclosed in Eilenberg et al., and bag 10 cannot be positioned in proximity to itself. Furthermore, bag 10 is not positioned external to the subject as is called for in claim 26. Accordingly, that which is called for in claims 1 and 26 is not shown, disclosed, or taught in the art of record. As such,

Applicant believes that claims 1 and 26, and the claims which depend therefrom, are patentably distinct from the art of record.

Applicant has also amended claims 11 and 20 to patentably distinguish them from the art of record. Claim 11 calls for, in part, an MR imaging apparatus including at least one RF coil disposed within a housing that is constructed for insertion into a subject, a hollow shaft extending from the housing and protruding out from the subject that is configured to allow the homogeneity enhancing fluid to pass therethrough and into the housing, and a handle connected to the hollow shaft to position the at least one RF coil and the housing within the subject. Claim 20 calls for, in part, a method of using an MR imaging device with improved homogeneity including the steps of positioning an RF coil within an imaging subject in proximity to a region-of-interest by way of a handle, and filling the housing with a homogeneity enhancing material. Claim 20 also calls for the filling of the housing to further include drawing the homogeneity enhancing material from a fluid reservoir and into a supply tube, forcing the homogeneity enhancing material through a hollow shaft connected to the supply tube, and depositing the homogeneity enhancing material into the housing.

Eilenberg et al. fails to teach or disclose an RF coil disposed within a housing that includes a hollow shaft attached thereto protruding out from the subject and that is configured to allow a homogeneity enhancing fluid to pass therethrough. Furthermore, Eilenberg et al. fails to teach a handle attached to the hollow shaft for positioning the RF coil within an imaging subject in proximity to a region-of-interest. Accordingly, that which is called for in claims 11 and 20 is not shown, disclosed, or taught in the art of record. As such, Applicant believes that claims 11 and 20, and the claims which depend therefrom, are patentably distinct from the art of record.

In addition to the above amendments, Applicant has elected to cancel claims 18 and 22. Furthermore, Applicant has added new claims 27-32. Applicant believes that claims 27-32 are patentable over the art of record in addition to being dependent from what are believed to be otherwise allowable claims.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-14, 19-20, and 23-32.

Applicant hereby authorizes charging of Deposit Account No. 07-0845 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kevin R. Rosin/

Kevin R. Rosin
Registration No. 55,584
Phone 262-268-8100 ext. 15
krr@zpspatents.com

Dated: May 14, 2007
Attorney Docket No.: GEMS8081.159

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100